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John Kinsey

SPEAKER OF THE PENNSYLVANIA ASSEMBLY

AND

JUSTICE OF THE SUPREME COURT
OF THE PROVINCE

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John Kinsey

SPEAKER OF THE PENNSYLVANIA ASSEMBLY

AND

JUSTICE OF THE SUPREME COURT
OF THE PROVINCE

BY

JOSEPH S. WALTON



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IN that religious revolution of the seventeenth century which emancipated the individual and strove to remove the necessity for an intermediary between God and man, the early Friends took an active part. They, like the followers of Meno, and the disciples of Spinoza, believed that the individual was more important than any system of education, any code of philosophy, or any state government. This spirit of individualism, when subdued and guided by a strong religious fervor, made the individual a good student, a good citizen and a good Christian. This doctrine was promulgated at a time when the old-school leaders in the universities, the churches and the governments of Europe looked upon its authors as fanatics, heretics and traitors.

The Society of Friends brought this vigorous individualism with them into Pennsylvania and the provincial government. They

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opened their doors to the Indians, the Swedes and the Germans—to men of all races and denominations. This heterogeneity developed with remarkable vitality a condition of emphatic, if not inflated, localism in governmental affairs. This element among the people overturned Penn's Frame of Government and placed in its stead the Privileges and Concessions of 1701. It was this element which gained for the Pennsylvania Assembly a privilege enjoyed by no other provincial legislature, or even Parliament itself,—the right of convening by statute and adjourning when the business was completed. All the colonial legislatures except Pennsylvania were called and adjourned by the Governors.

This remarkable and startling innovation was the cradle which nursed Pennsylvania liberty, and enabled its citizens to enjoy an unparalleled degree of colonial prosperity. This condition enabled a Quaker and German Assembly to rule and guide the state against the protest of the proprietary interests and in spite of the ruling of the English Board of Trade.

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The leader of this so-called "Quaker Experiment in Government" was John Kinsey the third, whose grandfather, John Kinsey the first, was one of the commissioners sent out by the proprietors of West New Jersey in 1677.

The elder Kinsey was taken ill on the good ship "Kent," and his devoted son put him ashore at the Swedish settlement at Shackamaxon, where he died in a few days. He was buried in the land promised unto him, the land for which he had mapped and planned a Quaker settlement before he left "old England." His burial place was subsequently known as Burlington, New Jersey.

EARLY EDUCATION.

His son, John Kinsey the second, became an active and acceptable minister among Friends. He traveled extensively in the ministry, and in 1716 his legal talents brought him into the New Jersey Assembly, where he served as its speaker for a number of years.

His son, John Kinsey the third, has been spoken of by his contemporaries as "the

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learned in the law, John Kinsey, Esquire." He was well born for the work before him. Three generations of legal and ministerial vigor found their maximum in him.

We are told that "he was a lad of quick parts, having the advantages of a good school education as well as of parental discipline. In his youth," says his memorialist, "he chose the better way. At an early age he commenced the study of law and became a sound jurist."

The most conservative among Friends at that time looked upon him as one most graciously preserved from the leaven of the ungodly. He was made clerk of the Philadelphia Yearly Meeting, and was entrusted with the most weighty concerns of the Society.

At the same time he plead both civil and criminal cases before the bar, sat in the Pennsylvania Assembly and guided its policy as speaker, and during a number of years sat on the bench of the Supreme Court of the Province.

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REFUSES TO REMOVE HIS HAT IN COURT.

In 1725 he came to Philadelphia to plead a case before the Pennsylvania Court of Chancery. Governor Keith presided at that time. John Kinsey commenced speaking with his hat on. The Governor ordered him to remove it at once. Kinsey declined, saying that he could not do it for conscience' sake. The Governor then directed the officers to remove the offending hat, and the case proceeded. A ripple of suppressed laughter went round the court-room, and doubtless more than one dismissed the incident from his thoughts with some contemptuous remark about that fanatical Quaker from the Jerseys.

Not so, however, with the Friends in and around Philadelphia. They gravely discussed the matter in their meetings for discipline. The Quarterly Meeting took it up, declaring that such proceedings were an infringement upon the religious liberties of the community.

Ten men were sent to Governor Keith with a written protest declaring that the charter

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given by Charles II. to William Penn granted to Friends "a free and unquestioned right to the exercise of their religious principles." "There is no people, they said, more willing than the Friends to pay all due regard to their superiors, to offer all honor to the courts of justice, and in every way consistent with their religious persuasions to pay all deference to their government and king; but when our conception of an individual's personal liberty is trespassed upon, we have openly and firmly borne our testimony against it in all countries and places where our lots have fallen."

The petitioners therefore claimed it as a legal right that Friends be exempt from such arbitrary rulings in the future. This was John Kinsey's first encounter with the Governor's party and the proprietary faction in Pennsylvania. In the records of the Court of Chancery we find the following entry:

"On consideration of the humble address presented to the Governor this day, read in open court, from the Quarterly Meeting of the people called Quakers, for the city and county of Philadelphia, it is ordered that the

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said address be filed with the register, and that it be made a standing rule of the Court of Chancery for the Province of Pennsylvania, in all time to come, that any person whatsoever, professing himself to be one of the people called Quakers, may and shall be admitted, if they think fit, to speak, or otherwise officiate, and apply themselves decently unto the said courts without being obliged to observe the usual ceremony of uncovering their heads, by having their hats taken off; and such privilege hereby ordered and granted to the people called Quakers shall at no time hereafter be understood or interpreted as any contempt or neglect of the said court, but shall be taken only as an act of conscientious liberty, of right appertaining to the religious persuasion of the said people, and agreeable to their practices in all the civil affairs of life."

This was John Kinsey's first contest in Pennsylvania; and, as if prophetic of his future career, it was crowned with success. He continued to reside in New Jersey, where he was elected a member of the colonial

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Assembly and appointed its speaker, in which position he obtained the requisite training for the work awaiting him in Pennsylvania.

MOVES TO PHILADELPHIA.

In 1730 he moved to Philadelphia, having been married five years. His legal mind and strong power as a leader soon made him prominent in political movements. He came into Pennsylvania at an exceedingly important period in her history. Since the death of William Penn a strong factional feeling had grown up in the province. The proprietary interests were rapidly narrowing to a pecuniary basis.

Penn's sons had none of their father's broad-minded statesmanship and philanthropic generosity. Their policy soon created two political parties in Pennsylvania, the proprietary party and the people's party. When John Kinsey came into public life in the province, he quickly gathered together the growing discontent among the people and became the leader of their representatives.

In doing this he had no intention of openly

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defying the Governor and his authority. He was pre-eminently a people's man, and the very instincts of his nature led him to guard jealously the least infraction upon their privileges.

His honesty and integrity inspired confidence among the numerous denominations and nationalities collected in Pennsylvania. The Friends appointed him an elder in the Philadelphia Monthly Meeting in 1738, and for many years continued him as clerk of the Yearly Meeting. The Germans voluntarily supported him as speaker of the House from 1740 to 1750. For seven years previous to his death he was Chief Justice of the Supreme Court in Philadelphia.

THE MARYLAND COMMISSION ON THE DISPUTED
BOUNDARY.

The Governor's party recognized his ability and realized that in judicial affairs he was no partisan. Indeed, when the Governor's council was in an increasing and embarrassing dispute with Maryland over border difficulties

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west of the Susquehanna, when Cresap's war had left things in a lawless condition, when the Governor of Maryland was growing more and more insolent and evasive, then it was that John Kinsey was appointed to visit Governor Ogle, of Maryland.

He was instructed to secure (1) a cessation of hostilities, (2) an agreement that neither province would sell any more land on the border until the boundary line was fixed, and (3) an arrangement that all taxes in the future should be collected by Pennsylvania and Maryland respectively on the properties which had formerly paid taxes to those provinces. In addition to these things, Kinsey, with his companion, Samuel Preston, was instructed to secure the release of Pennsylvania citizens then in the jails of Maryland.

Governor Ogle received the Pennsylvania commissioners with evident cordiality, complimenting the province upon the character and erudition of her delegates. Ogle insisted that he was heartily tired of this border warfare, and sincerely favored peace. Since all previous missions to Maryland on this subject

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had been to no purpose, his willingness to settle was considered very encouraging.

It was agreed by both parties that no more settlements should be made in the disputed district until the boundary line was determined. But when it became necessary to decide what settlers were already in Maryland and which were in Pennsylvania, Jennings, of the Maryland commission, threw more and more obstacles in the way of an amicable agreement, and for reasons not understood by Kinsey and Preston, Governor Ogle's interest in the affair suddenly relaxed, his council was adjourned, and he left town without giving the Pennsylvania commissioners any notice. Thus the negotiations were abruptly ended. It would seem that John Kinsey's clear logic and perfect self-control promised to effect a settlement; but when Jennings and those personally interested found that they were losing ground, means were taken to dissolve the council and draw the Governor away from the "seductive influences of the Pennsylvania commission."

John Kinsey and Samuel Preston came

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home with little or nothing to show for their mission. But what at first sight appeared a failure proved in the end to be a victory, since the border warfare ceased and future negotiations, freed from acrimony, became possible.

JOHN KINSEY SPEAKER OF THE PENNSYLVANIA
ASSEMBLY.

Two years later, in 1739, John Kinsey was elected speaker of the Pennsylvania Assembly to succeed the illustrious Andrew Hamilton. On the evening of October the 15th a committee of five members of the Assembly waited upon Governor Thomas with the information that the legislature had met according to its charter and selected John Kinsey for speaker.

The committee desired to fix upon an hour when they could present Kinsey to the Governor. Eleven o'clock the following morning was determined upon. The new speaker was then formally introduced to Governor Thomas. After making some apologies for

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his lack of experience and ability, Kinsey declared his willingness "to undertake that charge, if he should meet with the Governor's approbation." Governor Thomas very graciously replied, "Your character, sir, sets you above all exceptions, and I should betray a want of judgment if I did not approve of the choice the Assembly has made of you for its speaker." (Pa. Col. Rec., Vol. IV., p. 353.) John Kinsey then made the usual request of privileges from the Governor, and the Assembly was ready to do business.

Since 1701 the Pennsylvania Assembly had been permitted to meet upon its own adjournment, to judge of the qualification and election of its members. This privilege, which was granted by William Penn, was not then enjoyed by any of the other colonies. At that time Parliament itself never dreamed of convening by statute and sitting upon its own adjournments. It was the assumption of just such power as this by the Virginia Assembly, in 1621-22, which led the Crown to seek the first opportunity to issue a writ of *quo warranto*, and have the old Virginia

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charter removed, thus changing the government from a proprietary to a royal colony.

Because Pennsylvania enjoyed this privilege at so early a date, and because her Assembly controlled the salary of the Governor, the province was enabled, under the leadership of John Kinsey, to completely control any executive efforts of which the people did not approve. Indeed, the Assembly was not slow in using the full extent of its power over the Governor. At one time, when a batch of bills had been sent to Governor Thomas for approval or veto, John Kinsey sent the following letter:

“ We are sincerely disposed to cultivate a good understanding with our Governor, and having the interests of our constituents much at heart, the declaration he is pleased to make, ‘ that he shall be at all times willing to give the amplest proof of his regard for the peace and prosperity of the people we represent,’ is very acceptable to us, and encourages us to hope that the bills which now lie before him, and such others as shall be thought necessary for the public good, will not fail of his ready

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concurrence; and we, on our part, do assure the Governor that we are of the opinion that government should be honestly maintained; and whenever he shall be pleased to give his assent to those bills we shall cheerfully make such provision for his support as may demonstrate our sincerity and the desires we have of becoming 'the healing Assembly.'

"Signed by order of the House,

JOHN KINSEY, Speaker."

(Pa. Col. Rec., Vol. IV., p. 628.)

JOHN KINSEY'S ATTITUDE UPON WAR.

At the time of John Kinsey's election as speaker (1739) Governor Thomas was very much exercised over the rumors of a Spanish war. He urged the Assembly to take into consideration the defenceless condition of the province, and to take such measures as became "loyal subjects to his Majesty and lovers of your religion and liberties. . . . The miseries of a city sack't, or a province ravag'd, are more easily imagined than described; and if attended to must influence every lover even of his own family, to defend that part of it

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which from sex or age must depend upon him for protection from the insolence and wickedness of licentious invaders." (Pa. Col. Rec., Vol. IV., p. 354.)

The Assembly does not appear to have been in the least disturbed by such rumors. Kinsey tells the Governor that the house is not in the least apprehensive of any immediate danger; and since this was not the session when such matters were usually considered, the Assembly proposed to adjourn until December 31st, 1739.

PENNSYLVANIA BILLS OF CREDIT.

It was about this time that the English Board of Trade instructed Governor Thomas to call in the bills of credit previously issued by Pennsylvania. This state money had been sent out by the untiring influence of Benjamin Franklin, and the majority of the people of the province looked upon it as a great boon.

Governor Thomas called an extra session of the legislature, and at once laid the matter before it. John Kinsey, on behalf of the

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house, replied that all bills had been issued on a land security of double their value, and at no time since their issue had their credit been impaired; and if the Governor will study the affair he will find that "our bills of credit are not only absolutely necessary for carrying on the trade of this province, but of great advantage to Great Britain." Indeed, John Kinsey goes a step further, and calls in question the veracity of the report made by the Governor to the Lords of Trade and Plantations, saying "it seems to have been hastily drawn" and "is in many parts mistaken and difficult to be understood, and does not in our opinion answer the questions proposed, but reflects on the credit in which our paper currency has always continued among ourselves. . . . Therefore, . . . we hope the representation to be made of this affair by the Governor, . . . will be agreeable to the sentiments of the house." (Pa. Col. Rec., Vol. IV., p. 366.)

This is all that Governor Thomas secured from the extra session. Yet here was the hidden bone of contention which created two po-

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litical parties in Pennsylvania and deepened the quarrel between the Governor and the Assembly.

Other matters were dragged in for a time, but the bills of credit were beneath all the misrepresentation which the Governor's party and the English Board of Trade heaped upon the Pennsylvania Assembly. When the Governor was in any real need of money for the defence of the province, the Assembly was always willing to furnish it, provided such money could be raised by a new issue of bills of credit; and since the Governor's instructions forbade him from approving any such measures, things were often unfortunately embarrassed.

Whatever delay was occasioned was invariably assigned to the existence of a Quaker Assembly. The people of all denominations supported such an Assembly, not so much because it was a Quaker Assembly as because the men it contained and its leader were avowedly in favor of the bills of credit, which, on the basis of rising land values, worked well so far as Pennsylvania was concerned.

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CONRAD WEISER'S LETTER AGAINST THE
QUAKERS.

The people looked upon such an arrangement as more preferable than any system of taxation. This is clearly illustrated in Conrad Weiser's attempt to stir up the Germans against the so-called "Quaker Assembly." Aided by the reports that the Quaker Assembly would do nothing toward putting the province in a state of defence, it would at first thought appear to be an easy matter for a man of Conrad Weiser's influence to alienate the German vote from the "Quaker Assemblymen." At that time there was probably no man in Pennsylvania who had greater influence with the Germans than Conrad Weiser, the great Indian interpreter. He was a staunch admirer and faithful servant of Governor Thomas. Some years before, when Weiser became a "Seventh Day Baptist" through the teaching of Conrad Beissel, and joined the community at Ephrata, Governor Thomas visited him, complimented the community upon their economy and prosperity, and finally persuaded Conrad Weiser to ac-

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cept a commission as justice of the peace. Later, when differences arose between Beissel and Weiser, Governor Thomas was quick to draw his trusted interpreter away from the Ephrata community. As Weiser became more and more a man of the world, he found many things to do of a profitable character. He naturally became an ardent supporter of the Governor's party, and in the campaign of 1741 did everything he possibly could to induce the Germans to vote against the Quakers and elect an Assembly in sympathy with the Governor. This was the time he issued a circular entitled "Serious Advice to Our Countrymen, the Germans, in Pensilvania":

"Worthy Countrymen: It is with great concern I now speak to you on the occasion of the ensuing election of Assemblymen, the importance of which is so great that it must concern every Inhabitant of this province that possesses anything of Temporal goods, if it was no more than one's own live [life], if one loved it. The thing itself is that about a year since a difference happened about the question whether it was rendering tribut to Casar

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[Cæsar] or *no*. We the Germans in particular have hitherto said with *no* (to judge according to our needs, in chusing such Assemblymen once and again who have been so far from complying with our gracious sovereign about a contribution towards his war that the [they] have quarreled with the Governours and not only not given one farthing to them but to the Governour not even his usual salary that has for above twenty years ben alowed to the Governour for the time being. Permit me to put you in mind that as we for the most part retired into this country for peace and safety's sake, and to get our living Easier than in Germany, we not only have obtained our ende in all this but we have also been well received and protected by the Governours of this Province, Especially by the present Governour, and it is not long since His Majesty of Great Britain by an act of his parliament, invested us protestants upon very easy terms, with so many priveleges & liberties whatsoever that a native Englishman can enjoy. Consider whether all this should not move us to an actual thankfulness and to answer the

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above mentioned question with *yea*. When without making reflection upon the favors we received the laws of good order requires it, and accordingly to chuse such Assemblymen which will no longer oppose such reasonable request as the present time requires, and it is to be said that if we as newly come to the Country, and have received so many favors, do oppose the Governour any longer into which under a continuance of liberty it might not turn out to our best advantage to draw a particular displeasure upon us as many of the wisest of the Quakers themselves are afraid and shoes [shows] their dislike of the 'Assembly' for this too years past in their [its] opposition to the Governours, which whether or no it did not arise from a private Pique I let the time itself & the Weiser judge. It is at this present time more necessary to Elect another Assembly which may use their Endeavor to put a stop to the differe behor. . . . [between?] the Governours & the Country and to think upon means which may . . . [cause] peace and unity to prevail amongst [us] we are every day in Expectation of a

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french ware; the french Nation is many thousand strong in America and possessed of Canada a large and well fortified country to the Nord [north] of us, and to the west of us they are possessed of the great river Meshasigg, which extends in its several parts far and wide, one part of it generally going where our traders go to deal with our Indians is within the bounds of pensilvania, insomuch that between that and the west branch of the Susquehanna is but a short land carriage, and all the Indians near the waters of the afore-said great River [Ohio River] are in league with the enemy, and it is an easy matter for the french with the help of their Indians to come this road and lay this province wast in a few days in ruins, or any other neighboring province, and how cruelly those barbarians that those which they take for their Enemy is not to be expressed in words. I wish heartily we may never have the experience of it. But for these considerations if no other we ought all to be united as one people, as we are told in the Gospel a house divided against itself cannot stand, but in order to divide us

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many of you have ben told, it seems, that if you took not care to chuse Quakers you would be brought into the same slavery you came hither to avoid. It grieves me to think that any should give themselves the liberty to invent and propagate such falsehoods. The Quakers are a sober & industrious people, and so far as they have ben concerned in government we have thrived in their protection, but we see there are amongst them who shew the have the same pashions and give way to them as much as other men, and we want such as will make up our Breaches and not widen them. That you may be directed by wisdom in your choice and that peace, love, truth, and good will amongst men may prevail is the hearty prayer of your friend,

“ CONRAD WEISER.

“ Tulpehocken in Lancaster County,
20th of September, 1741.”*

The Governor and his party were well aware that no man could turn the German

* See “Life of Conrad Weiser and the Indian Policy of Pennsylvania,” pp. 60, 61.

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vote easier than Conrad Weiser, hence the above letter, which was circulated far and wide among the Germans. These sturdy and self-sufficient people read the letter, and then voted for the Quaker Assemblymen.

RUMORS OF WAR.

During the five years previous to the opening of King George's war, the Governor of Pennsylvania never ceased importuning the legislature for money to defend the colony against its enemies. During the winter of 1739-40 John Kinsey, in behalf of the Assembly, resisted the Governor's demands. There had been rumors of pirates on the Atlantic coast, and the Governor, having found something specific, insisted that funds must be forthcoming at once. Kinsey replied that the charter of Pennsylvania gave the proprietor or his deputy the power to levy troops and defend the colony. This clothes the Governor, he writes, with all the powers of a captain-general. Other governors have exercised this power, and it "continues unrestrainedly by any laws that we know of save those which

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relate to the liberty of conscience. The words of the charter are very extensive, and will, we hope, suffice to all the purposes the Governor and those in like manner principled can reasonably desire, without any interposition of ours. Although we are freely persuaded that whatever preparations may be made here, they will prove ineffectual without the aid of our mother country."

"There is," continued Kinsey, "no sound reason for fear. No war has yet been declared between France and England, nor is there any immediate prospect. The Assembly is loyal to the crown, and willing, so far as their religious persuasions permit, to protect the lives and property of the citizens." The Governor did not feel satisfied to let matters rest here until some real danger appeared. He wished to convince the Assembly that it was in the wrong, in order that he might be prepared should war come. He took umbrage at John Kinsey's remark that the Assembly had but little faith in any preparations made in the province independent of England's assistance. This Governor Thomas consid-

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ered a reflection upon his own personal skill as a military leader. Does any one suppose, writes Governor Thomas, that the powers of a captain-general as set forth in William Penn's charter "can operate upon a free people without the interposition of a particular law? Any person of a small share of knowledge in the constitution of his country" could easily see that. "Is any man obliged without law to equip himself with arms and necessary accoutrements, to learn the use of them, to obey his officers, or even to face his enemy in time of danger? An officer without legal authority, and men under no legal obligations, may indeed exhibit a pretty piece of pagentry for a little time, but can be of no real service in the defence of a country, or be long kept together, for as humor brought them together caprice will soon disband them." (Pa. Col. Rec., Vol. IV., p. 320.)

The Governor also undertakes to show the Assembly that the peace principles of its members are not in accord with the views of William Penn. "Surely since our first Proprietor received a charter from the King con-

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taining provisions for the defence of the colony, he was not, though commonly called a Quaker, averse to military methods, and must have entertained opinions quite different from those held by the present Assembly. If your body agree—and I think you do—that no principles of peace are violated when a man is punished with death for a violation of some provincial statute, how can you insist that war, which occurs in defence of our homes and our dependent ones, is any worse than the execution of our laws? Indeed, any man of common understanding must admit that no conscientious principles, no religious opinions, can save us from invasion, from outrage and plunder.”

Again on behalf of the Assembly John Kinsey replied. He called attention to the many advantages of Pennsylvania which reduced the danger from invasion to a minimum, and since many of the citizens were able and willing to bear arms if it came to that, Kinsey felt that there was no occasion for alarm. The Assembly, however, he says, “cannot exactly agree with the Governor’s

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sentiments when he tells us that no Purity of heart, no set of Religious Principles, will protect us from our enemy; for as there is an Almighty Power which superintends the government of the world, principles of Religion agreeable to his will and Purity of heart, even as the world is at present circumstanced, may hope for his protection, who can turn the hearts of men as he pleases, and who for the sake of ten righteous Persons, would have spared even the cities of Sodom and Gomorrah." (Pa. Col. Rec., Vol IV., p. 373.)

In reference to the administration of the criminal law being a violation of the peace principles of Friends, John Kinsey replied that there is a vast "difference between killing a soldier fighting (perhaps) in obedience to the commands of his sovereign and who may possibly think himself in the discharge of his duty, and executing a burglar who broke into our houses, plundered us of our goods and perhaps would have murdered us too, if he could not otherwise have accomplished his ends, who must know at the time of the commission of the fact [deed] it was a

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violation of laws humane and divine, and that he thereby justly rendered himself obnoxious [subject] to the punishment which ensued." (Pa. Col. Rec., Vol. IV., p. 373.)

"The Friends have principles," he continued, "which they feel constrained to support, but they are willing to yield obedience to the crown and to pay tribute to Cæsar; therefore if it becomes necessary they will furnish a sum of money for the King's use." The dispute now continued upon the necessity of putting the colony in a state of defence. It was the summer of 1739. The Assembly saw no such need. The Governor, on the other hand, was positive that there was a pressing necessity upon the colony.

At heart the Assembly was opposed to any legislation which would force the Friends into military service against their convictions. The Governor was just as anxious to secure legislation which would enable him to raise and equip a force of soldiers and build forts for defence.

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ATTEMPTS TO ARREST ISRAEL PEMBERTON.

About this time Israel Pemberton, Jr., in conversation with Alexander Graydon, made some remarks reflecting upon the "disinterestedness of the Governor's motives." These remarks in some way were reported to the Governor, who became very much incensed, and laid the matter before the council, with the statement that such conversation had a tendency "to break the Peace of the Government, and to destroy that confidence and Harmony which ought to be carefully preserved between the Governor and the People."

Governor Thomas then desired the council to summon Alexander Graydon and learn from him exactly what Israel Pemberton did say. At this hearing it appeared that Israel Pemberton had said that everybody knew what the Governor was before he came over, and what they had to expect from him; that Governor Thomas was bent on overcoming Penn's concessions of 1701 and making a royal province of Pennsylvania; that the Governor carried on his dispute with the Assembly in a very flippant manner, and doubtless

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he "would make use of all his friends to set the Assembly in the wrong, and he would not hesitate to make an unjust representation of the matter."

And Graydon further reported that when Pemberton was told that the Governor had heard what had been said, instead of expressing any regret for what he had done, Pemberton went so far as to say that "he was very glad it had come to the Governor's knowledge, since by this means he had heard truths which the Sycophants who had kept the Governor's company would never tell him." Graydon was then asked to withdraw from the council, and the Governor proposed that a warrant be issued to bring Israel Pemberton before the council to answer such charges as the Governor saw fit to bring against him.

Thomas Lawrence, one of the members, expressed a doubt about the council's having any legal right to issue such a warrant. The Governor replied that so far as law was concerned the Governor had a legal right to issue any warrant whatsoever. Who then could doubt "the Governor's power, as supreme

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Magistrate of the Province, to issue a warrant to bring such persons before him for examination on his Majesty's behalf as were charged with matters tending to a breach of the Peace of the Government"?

To this Clement Plumstead, another member of the council, replied that "If the matter concerned the Governor's character only, he should think the Governor a very improper person to issue such a warrant, the law having provided a remedy; but as it might affect the peace of the Government, he thought it very proper that the Governor should sign the warrant that said Pemberton might be publicly examined before the council." (Pa. Col. Rec., Vol. IV., p. 390.)

None of the board objecting to this, Governor Thomas signed the warrant and caused it to be delivered to the sheriff with orders to use Israel Pemberton "with civility," and if it were possible to get him before the council without using the warrant to do so.

That afternoon the council sat waiting for the sheriff to bring in the prisoner, but he did not come. While thus waiting there was

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a knock at the door, and Thomas Griffiths, one of the council and a justice of the peace, was called out. When he returned he brought the following report from the sheriff, who stated that after taking Israel Pemberton into custody, Thomas Griffiths, one of the justices of the Supreme Court of Pennsylvania, furnished a writ of habeas corpus and the necessary bail for Israel Pemberton to appear at the next session of the Supreme Court; "therefore," said the sheriff, "I cannot bring him before the Governor to-day."

When the writ of habeas corpus was read the Governor said that he believed that such a thing had never occurred before. To take a person so suspected out of the hands of an officer of the law by such a writ, he believed was in every way illegal. The Governor expressed his surprise that a magistrate of the Supreme Court should allow himself to sign such a writ "without consulting some person learned in the law, or even taking time to exercise his own understanding or judgment."

Thomas Griffiths said that he had no thought of doing anything out of the legal

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course. The sheriff was then called in and questioned. He said that he called upon Israel Pemberton, Jr., and requested him to accompany him to the council, but Pemberton refused, whereupon the warrant was served upon him. When Pemberton read it he pronounced it nonsense, and went to the house of John Kinsey, Esq., where he was being harbored.

The Governor declared that the writ of habeas corpus was illegal, and the sheriff was responsible for Israel Pemberton's escape. The council adjourned, and Governor Thomas consulted some lawyers. Meanwhile Israel Pemberton had gone to Chester, and the council wasted another day waiting for the arrest.

The sheriff reported that he had been at the house of Israel Pemberton several times, and was invariably told that he was not at home. Once Pemberton was seen walking before his door, but when the sheriff came up Israel was nowhere to be found.

The Governor, when he heard this, declared that such conduct clearly proved Pem-

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berton's guilt. In the meantime the indignation of the people was growing. It was not whether Israel Pemberton was or was not guilty, but it centered upon the Governor's right as an executive officer to proceed in such a manner against persons whose conduct was reported as seditious.

The tendency of the Governor's faction was to fuse the functions of the judicial and executive. The tendency in the people's party was to separate more and more those functions until the executive should deal only with present time, and the judicial only with past time. The people were unconsciously struggling toward that conception of a supreme judiciary and a supreme legislative which Alexander Hamilton so happily expressed in our present federal constitution.

John Kinsey voiced the popular sentiment when he insisted that the Governor had no legal right to proceed against Israel Pemberton in the manner he did; that the law furnished a course, and that George Thomas, because he was Governor, had no right to be a law unto himself, and to resolve the high ex-

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ecutive into a judicial tribunal to try cases of offence and libel against himself personally.

Andrew Hamilton, the Chief Justice of the Supreme Court, sustained Kinsey's opinion and advised the Governor accordingly.

At the next meeting of the council the Governor said "that we was content to withdraw the warrant for the present, and proceed against Israel Pemberton, Jr., in some other way." Nothing further was done in the case. The judicial department of the province had won a point from the executive, and the Pembertons were marked men by the Governor's faction, though it dared not strike.

The foiled blow was restrained many years until a radical change in Pennsylvania politics enabled some of these same men to be instrumental in sending the Pembertons and several so-called Quakers into exile in Virginia.

JOHN KINSEY LEADS THE ASSEMBLY.

The struggle during John Kinsey's time was more directly between the legislative and

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the executive. Here the battle waged. Each sought to invade the functions of the other, and each jealously defended what it then considered its own rights and privileges.

The Assembly charged the Governor with a desire to destroy the peace and good understanding in the several parts of the legislature. The Governor not only desired the change, but said that "since one-half of the power of making the laws is vested in the Governor for the time being, you must allow me to exercise my reason in considering the good of the whole government when any bills shall be laid before me for my assent. The Assembly has power sufficient, if rightly exercised, to make any people happy; but if once they attempt by any means whatsoever to wrest what belongs to the Governor out of his hands, it will be a breach upon the constitution, and introductive of great discontent and confusion." (Pa. Col. Rec., Vol. IV., p. 407.)

On the other hand, it was the avowed purpose of the Assembly, under John Kinsey's leadership, to not only prevent the Governor from infringing upon the duties of the leg-

My dear Mr. Garrison

The meeting also heard from Oliver Parker, Agent
for the Boston Convention, and Dr. Parker, who was
present as a delegate and made a very interesting
and short address against the war and the necessity
of non-resistance.

Dr. Parker being heard the meeting adjourned to
the usual time next evening at 7 o'clock.

Respectfully and sincerely,
Yours,

John W. May Jr.

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islature, but to secure for the Assembly as large a measure of prerogative as possible.

In the spring of 1740 England declared war with Spain, and asked the colonies to furnish aid. The Governor of Pennsylvania was requested to furnish whatever quota of men and supplies the loyalty of her citizens should suggest. The Governor, with characteristic vigor, urged the Assembly to prompt and vigorous measures. John Kinsey at once asked for the King's instructions to the Governor. This was promptly refused. Then Robert Jones and John Wright, two assemblymen, waited upon the Governor with a note from Benjamin Franklin, clerk of the Assembly, saying that "in the only case the house remembers wherein a matter of like nature was required of them by the Crown the original letter" was sent to the house, therefore in this case the Assembly requests a copy of the Governor's instructions.

While the dispute was raging over the legality of this matter, the Assembly was at work on an appropriation bill which was for the King's use. The Governor was also ac-

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tively employed in raising soldiers from the province. Special inducements were offered to white indentured servants, large numbers of whom readily enlisted; by so doing they evaded their obligation to their masters, and expected at the close of the war to receive their liberty. Harvest time was now approaching, and as soon as the majority of the assemblymen learned that their bond servants had run off to the army there was a general clamor to have the extra session adjourned until after harvest.

John Kinsey, the speaker, had pressing local engagements in Delaware. The air was full of rumors that England was about to make peace with Spain. Scarcely any one in the province, outside of the Governor's immediate faction, felt that there was any danger from invasion. The other colonies were doing little or nothing in the matter, consequently the Assembly adjourned until after harvest.

The Governor looked upon this adjournment as an act of discourtesy to him, and clear proof that the Assembly was not going to pass

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any money bill. Accordingly he charged the Assembly with a breach of loyalty to the Crown, with an act of discourtesy to the Governor, and with an overplus of Quaker principles which blocked much-needed legislation.

Indeed, the Governor saw no reason why any private business should interfere with the duties of the legislature. Harvest might be left to the servants, and if Speaker John Kinsey must go to Delaware, were there not other men in the Assembly of ability equal to his?

All these opinions, however, seem to have been lost upon the Assembly. The members went, like the Romans of old, to labor in their harvest fields, and John Kinsey went to Delaware.

THE MONEY BILL.

When the Assembly again convened the following message was sent to the Governor:

“ We have often had occasion to acquaint the Governor that the greater number of the present Assembly are of the people called Quakers, principled against bearing arms or

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applying money to any such purposes. Desirous, however, to demonstrate our obedience to our present Sovereign, King George, by yielding a ready and cheerful compliance in the matters recommended to us so far as our religious persuasions would permit, and willing to give ample testimony of the loyalty and sincere affection of his loving subjects within this Province, we determined at our last meeting that a sum of money should be raised for the use of the Crown exceeding in proportion, as we think, what is given in some neighboring Colonies. Several difficulties occurred to us whilst that matter was under consideration. The public accounts were then unsettled, and it was unknown what money remained in the treasury. We observed also great numbers of bought servants, belonging to the inhabitants of this Province, encouraged to that purpose, had enlisted in the King's service, and were detained from their masters, to their great loss and to the injury of the public. . . . The officers were enlisting our servants in great numbers in the country, and labor in this young Colony, excepting what is performed

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by these servants, is difficult to obtain. . . . It must have been known to the Governor that servants were encouraged to enlist, and that the names of those who enlisted were directed to be concealed, which concealment and the severe treatment those masters who applied for their servants received from the persons appointed to take the names of such as should apply to enlist themselves, gave the servants an opportunity of escaping from their masters and the King's service," which a number did before the Assembly had any opportunity to offer a bounty for freemen. (Pa. Col. Rec., Vol. IV., pp. 435-9.)

The Assembly finally informed the Governor that his action had delayed the money bill and seriously embarrassed its passage.

The Governor expostulated, explained and argued; then finally, with great reluctance, yielded to the Assembly a copy of the King's instructions. The servants who had enlisted, he said, could not be returned. He endeavored to justify the act by the statement that the Assembly had offered no bounty for freemen, and he was sure enough soldiers could

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not have been procured without the servants.

The Assembly declared that a money bill depended entirely upon the Governor's willingness to have the servants returned and no more to be enlisted. The Governor found himself cornered, and yielded. No more servants were to be taken, and so far as possible those in the service should be returned.

The Assembly then passed the money bill, appropriating £3,000 current money of the province to the King's use. Here the Governor again claimed to have been grossly used: (1) In having trustees appointed to hold the money, instead of placing it in the Governor's hands; (2) in that this money was to be in bills of credit and not in coin. The Governor wanted the money raised by a tax; the Assembly wanted an increased issue of bills of credit.

The Governor at first refused to approve the money bill as framed, but since his instructions were not very definite upon that point, he yielded, and the money was forthcoming. This was a much larger sum than was furnished by any other province.

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THE MILITIA BILL.

Governor Thomas then asked the Assembly to pass a militia bill. This it refused to do on the basis of being opposed to war measures. The Governor accordingly insisted upon showing the Assembly the inconsistency of its Quaker ways. "If your principles will not allow you to pass a bill for establishing a militia, if they will not allow you to secure the navigation of the river by building a fort, if they will not allow you to provide arms for the defence of the inhabitants, if they will not allow you to raise men for His Majesty's service and on His Majesty's affectionate application to you for distressing an insolent enemy, if they (your principles) will not allow you to raise and appropriate money to the uses recommended by His Majesty, it is a calumny to say that your principles are inconsistent with the ends of government. . . . Whatever name some of your proprietors bear, they have truly the honor of His Majesty and the British nation, as well as the interest of this nation, at heart, and therefore instructed me long since to use my endeavors with the As-

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sembly to provide for its defence; and although the majority of your house oppose all these things, I know there are some few of the same religious persuasion in it, and many out of it, who dislike all your proceedings. It is not that I have attempted to divide you from your Friends in England. Indeed, your own actions may do it; you have likewise divided yourselves from many of the inhabitants here by consultations and by exerting yourselves in consequence of them publicly and avowedly to obtain an uncommon majority in this Assembly to oppose my endeavors for the security of His Majesty's dominions.

“ This is a fact so notorious that every man that knows anything of what passes in the province knows it; and that the counsel of such, even of your own persuasion, was despised, who warned you of the ill consequences that would attend it, and advised you not to interrupt that harmony which had subsisted for many years betwixt the people of the different religious societies here. . . . As servants cannot now be discharged, even supposing I had the power so to do, without evident

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danger of a mutiny, and breaking all the seven companies raised in this government, I shall willingly submit my conduct and the proceeding of your house to His Majesty.

“I am glad, however, though it be with a view of throwing the blame upon me, to find that your house, who upon the 7th of July last could not preserve good consciences and come into levying of money and appropriating it to the uses recommended to you in my speech, because it is repugnant to the religious principles professed by the greater number of the present Assembly who are of the people called Quakers, can now fix the number of three hundred to be a sufficient proportion of men for this Province, and that upon condition the servants are discharged, you are willing to give such a sum of money to the Crown as may be a fit proportion as what is given by the neighboring Colonies. And I hope after this declaration that you will not say that I willing mistake you (misinterpret you) when I understand the money to be for the same uses. The making my conduct, however, a pretense for refusing to comply with His

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Majesty's instructions, cannot be looked upon as an instance of zeal in you." (Pa. Col. Rec., Vol. IV., pp. 465-6.)

While this document of the Governor's was in course of construction, he was receiving letters from the officers of the seven companies he had raised, desiring to know what was to be done with the servants in their commands. It would be impossible to discharge them now. Indeed, they would not be discharged; and it was all the officers could do to prevent them from outraging their former masters and committing depredations upon the property of the members of the Assembly. The Governor had truly an embarrassing problem upon his hands. There was no war and no need of the soldiers, yet they could not be disbanded.

The officers as well as the Governor were heartily tired of their existence as an army. Those untrained men, with firearms in their hands, became a dangerous element in the peaceful Pennsylvania community. Their threats became the gossip of the day. They naturally magnified the cruelty and oppression of their masters.

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Then a legal question arose: Has the government a right to deprive a man of his property? The Governor was forced to acknowledge that the owners should be compensated for their losses. The Assembly was brought face to face with the problem. Property had been taken for war purposes.

John Kinsey held that the Assembly should pay the masters. It was done. From two to three thousand pounds were paid out in damages. This incensed the Assembly toward the Governor. While John Kinsey had insisted that the government had no right to impair contracts, it was generally felt that this extra expense was caused entirely by the Governor's rashness. They accordingly held back a portion of his salary.

The Governor's indignation was sweeping away his judgment. He charged the Assembly with partiality and favoritism in paying out the money to the masters of the enlisted servants:

"You did this," said he, "not according to the servant's value, but to the master's approbation or disapprobation of the Assembly's proceedings.

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“In my last message I said that fifteen hundred pounds of the twenty-five hundred paid for servants had been stopt out of my support. In answer to which you tell me I may remember that since my accession to the government I have received divers sums of money arising from fines, forfeitures, licensing public houses, and other perquisites of government, amounting from the best judgment you can form to near one thousand pounds per annum, which is double the yearly salary some of your former Governors received.” (Pa. Col. Rec., Vol. IV., pp. 444-5.)

THE GOVERNOR'S SALARY.

The battle raged more fiercely around the salary question than any other. The war of the Austrian succession (1744-48), known in America as King George's War, stirred the Governor and the Assembly to a renewed struggle. The Governor demanded money. The Assembly voted bills of credit. The Governor refused to approve, and in the heat of the controversy which followed each recriminated the other personally. The contest was

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especially bitter between George Thomas and John Kinsey.

In 1747 George Thomas resigned from the governorship, and went to England for his health. From that time until 1750, during the remainder of John Kinsey's life, the Assembly obtained the ascendancy.

Anthony Palmer, one of the council, had been chosen as Governor in Thomas's place. He was unable to hold any permanent and tenable position in the controversy with John Kinsey. Slowly he lost the dignity and influence of a chief executive. Even John Kinsey felt sore under Palmer's censure, and resented it in the following terms:

"You are pleased to say that we are not accountable to each other for our conduct. Give us leave to wish that you had thought of this before you had bestowed so heavy censure on ours. It might have saved both you and us some trouble.

"You are pleased to add, 'You had no party views, no personal interest, or power to support.' It may be, since you are pleased to say it; but when this is urged as a motive

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to your being the more readily believed, in opposition to the representative body of the Province, it seems to require a little demonstration. If it was, as you are pleased to say, really 'well known that during your administration your time has been chiefly employed in the service of the country,' etc., there was the less necessity you should become the publisher of it. But you are pleased to add how we have assisted you; and those who to their immortal honor joined with you in the necessary work you mention, all the world knows.

"If those who joined with you deserve immortal honor, how much more do you deserve? Enjoy unmolested all the honor, all the applause you think fit to bestow upon yourselves; but why must you deprecate the character of others? Since you are pleased to allow we are not accountable to you for our conduct, whence then do you derive your right of censuring, or of what you expressed yet more indecently, of exposing?

"In the height of the late controversies such expressions were not used that we remember, and we are at a loss to find from

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whence you could copy such language to the Representative Body of a Province.

“ Besides, when the event [results of King George’s war] has shown the judgment formed by the Assembly was right, and saved the Province some thousand pounds, we think you might have spared those censures bestowed thus unprovoked. What motives could we possibly have for judging amiss? Have we not also estates and families in the Province? Have we not many of us drawn our first breath here? Have not divers of our Fathers and some of our Grandfathers been of the first settlers? What inducements can we possibly have to bias us against the interest of our country ? ”

As leader of the Assembly, John Kinsey enlarged and defined the duties of the legislative, and separated the judicial to a considerable extent from the executive.

THE INDIAN PROBLEM.

The most vital place, however, where the vigor of John Kinsey and the Assembly comes to the surface, is in the great Indian struggle.

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When Champlain, led by his Algonquin allies, entered the lake which bears his name, a sharp engagement occurred with the Iroquois. Twice was Champlain repulsed by these fearless men of the "Long-House." This led French explorers to abandon all dreams of pushing south into the Hudson River basin, and turned them into the colder waters of the Ottawa. The Iroquois became the avowed enemy of the French and the warm friend of the English. They liked the Dutch traders, and assisted New York and New England during Queen Anne's war (1701-1713.)

So terrible were the blows of Frontenac, the great French leader, that the Iroquois alliance became an expensive thing to the Five Nations. During the long peace which preceded King George's War (1744-8), the French used every effort to heal past difficulties with the Iroquois. Presents became numerous and valuable.

In the meantime Pennsylvania became interested in the Iroquois. Since the days of William Penn the Friends of Pennsylvania

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had dealt almost entirely with the Algonquin tribes of the Delaware and Susquehanna rivers. The Tulpehocken settlement and the advent of Conrad Weiser mark the beginning of the Iroquois supremacy in the colony.

Conrad Weiser led the Governor and his party to realize that the Iroquois were the dominant tribes, and that the Delawares and their wayward cousins, the Shawnees, had no rights which an Iroquois was bound to observe. The Assembly and the people's party, the Friends in both Pennsylvania and New Jersey, continued to support the interests of the Delaware Indians, and to some extent disapproved the lavish expenditures for the Iroquois.

The Governor's faction, led by Conrad Weiser, were straining every nerve to outbid the French and retain the friendship and the trade of the Six Nations. At the opening of King George's War the diplomatic Iroquois realized their vantage ground. Neutrality meant that they would be courted and feasted and showered with presents by both the French and the English. If they joined

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either side the price of furs would go down and the income from presents would fall off. Thus reasoned the fathers of the "Long-House."

The friendship of the Iroquois for Colonel Johnson and the Governor of New York, for Conrad Weiser and the Governor of Pennsylvania, led many men to hope that an alliance could be secured, and the Iroquois turned loose to scour the lake region for French scalps.

Upon the subject of Indian affairs Governor Thomas and John Kinsey had few disputes. Kinsey recognized the Governor's marked influence and ability with the Indians, and being ignorant of the fact that Conrad Weiser was the source of it all, bestowed his compliments upon Governor Thomas. It became more and more the custom for the Assembly to provide for the expense of Indian treaties. This, under the leadership of John Kinsey, was done with a generous hand. In 1742, when the Iroquois chastised the Delawares in the Philadelphia Conference, calling them women and forbidding them to sell any

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more land, the Friends in the Assembly were very much incensed, as they had been over the Walking Purchase, which also imposed upon the Delaware Indians.

This growing discontent with the Governor's Indian policy was restrained by the strong hand of John Kinsey. But when Governor Thomas wished to join with New England and New York in a general Indian conference to induce the Indians to take up the hatchet against the French, John Kinsey said "No."

When Governor Thomas asked the Assembly to furnish funds for the Albany treaty (1746), the Assembly replied as follows:

"By what we gather" from the Governor's letter, "the treaty proposed to be held at Albany on the twentieth of next month, in pursuance of some instructions the Governor of New York hath received from the Crown," does not concern us, but the Governor of New York only, "and not the Governor of any other of the Colonies.

"It is not improbable that the purport of these instructions is to engage the Indians of the Six Nations in the war against the French,

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and to join in the expedition against Canada. If so, our uniting with the other governments in the congress proposed will be of little use, since it cannot be doubted but that provision is made to defray the expense which shall arise thereby, and that these Indians will pay greater regard to the directions of the Crown than to the joint request of all the Colonies.

“ Besides, the Governor must be sensible that men of our peaceable principles cannot consistently therewith join in persuading the Indians to engage in the war. If it be thought there be any real danger of the Indians deserting the British interests and going over to the French, and that to preserve them steady in their friendship further presents are necessary to secure them in their fidelity to the Crown of Great Britain and amity with the inhabitants of this and the neighboring Colonies, and the Governor can think his health and business will permit his negotiating this affair in person, we shall be willing to pay the expense to arise by it.

“ JOHN KINSEY, Speaker.

“ Fourth month 24th, 1746.”

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Governor Thomas was not able to go to the Albany treaty, and a board of commissioners was sent, of which John Kinsey was chairman. These gentlemen, with Conrad Weiser as interpreter, rode on horseback across New Jersey, and held a preliminary conference in New York with the Governor and the commissioners from Massachusetts and Connecticut. The New England men favored a joint treaty,—one that would show the Indians the strength and unity of the colonies, and be therefore more influential in breaking the neutrality of the Iroquois. To this John Kinsey objected: “(1) Because it would take time to prepare a treaty to which all the colonies present could subscribe. (2) Because it would introduce subjects of no concern to Pennsylvania. (3) Since the New England colonies insisted that the Six Nations should declare war against the French, Pennsylvania must oppose it until the legislatures of the colonies could be consulted. (4) An Indian war would be injurious to all the colonies, as it would be the means of drawing open hostilities upon all our borders. (5)

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The Six Nations wished to remain neutral. The Indians were not disposed to fight each other, and should we enlist the Six Nations on the English side, we might expect what occurred during the last war, when the Indians of opposite parties passed each other without fighting and only scalped the white people. (6) If we induce the Six Nations to declare war with the French we must provide for them. This cannot be done without the consent of our colonial Assemblies, and not to do this would be betraying the Indians. How do we know now what our Assemblies may do ? ”

These objections of John Kinsey's had but little influence upon the other states. They were determined to push the Six Nations into the war with the French. Massachusetts said it was unreasonable that the entire burden of the war should rest on one province while the others remained neutral; and if the neutral colonies were determined not to bear their share of the war expenses they should not use influences to prevent the Iroquois from becoming allies of the New England provinces.

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Nevertheless John Kinsey and his peace principles divided the council of the colonies. New York was convinced by John Kinsey's fifth and sixth reasons, and told Massachusetts that New England had been too precipitate in her declaration of war and the other governments were not obliged to follow her example. Proper provisions were not yet made for a war. New York had done all she could to prepare for such an event, and New England must remember that provinces with a long, unprotected frontier should not be dragged into a war for which they were not prepared.

The Indians at Albany were not ignorant of the division of sentiment in the colonial council. They knew that Pennsylvania was forbidden to treat with the Indians during the negotiations of the other colonies. During the treaty the Indians declined to take up the hatchet against the French, and advised the English to remain united in all their councils and be of one mind and one heart.

It was the disagreement among the colonies which enabled the Iroquois to escape the

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colonial pressure and remain neutral. This disagreement in the colonial councils was caused by John Kinsey, and was in opposition to the advice of Conrad Weiser, who wanted the Six Nations to take up the hatchet against the French. Weiser could mould the opinions of Governor Thomas to his own liking, but John Kinsey could not be controlled.

Thus, indirectly, John Kinsey aided the Iroquois in preserving the neutrality, and postponed until another war (1754-59) the time when the councils of the "Long-House" should be divided and the Iroquois should be ground between the surging waves of Anglo-Saxon and Romish forces.

LIFE AT THE "PLANTATION."

John Kinsey's later years were a constant growth in activity. He lived for a number of years at the "Plantation." It was then considered a charming country residence, and was located at the present site of the United States Naval Hospital. Before the consolidation of the City of Philadelphia this property was included in the district of Passyunk.

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The "Plantation" was in no sense of the word a farm. It comprised a tract of about twenty-three acres, bounded by Gray's Ferry road and Shippen (now Bainbridge) street, with Sutherland avenue on one side and the walled-in river on the other. Here the Kinsey family lived after 1735. From the dormered doorway or spreading windows John Kinsey's eye might follow the curl of the river or rest on the shaded slopes of the Bartram forest beyond. Here the great lawyer might turn aside from affairs of state, might forget that he was the acknowledged leader of the Assembly, the trustee of the loan office, attorney-general, or in his later years Chief Justice of the Supreme Court. Here he might forget the duties devolving upon the clerk of the Yearly Meeting and an elder in the Society of Friends. Here John Kinsey came to rest. It was a hospitable and spreading brick mansion, with broad hall through the center and two handsome rooms on each side. The rooms of the second story were under the sloping roof, and were lighted by huge dormer windows. The top of the house

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was formed into a balcony which commanded a charming view over the then undammed and unpolluted Schuylkill.

While "Plantation" was the place where John Kinsey came to rest, the place where he came to forget the cares and burdens of a busy and useful life, he never could forget, as he crossed that threshold, how his son John, in the flower of early manhood, had gone out from that home in the morning of the day and dawn of promise, never to return.

STRANGE DEATH OF THE CHIEF JUSTICE'S SON.

In a letter written by John Ross, a member of the Philadelphia Bar, to Dr. Cadwallader Evans in Jamaica, in 1748, we find the following: "I could tell you all the news in a word, if possible, with all haste. To begin, our neighborhood is just as you left us, only B. Franklin lives in your house. The Col. Hollier not yet gone to sea. I think all your acquaintances continue well, save poor Johnny Kinsey, junior, on Tuesday the 8th inst. by accident shot himself dead while coming Gray's Ferry by Schuylkill falls while

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in a boat. He had loaded his gun, and as is supposed let the butt drop on the bottom of the seat; the gun erect, in a line with his body by his side, went off when half cocked. The whole load of shot struck his left cheek and went directly into his brain. He dropt, and was dead in an instant; never groaned. Great sorrow attended his father and all his friends for the accident. He had strange apparitions of his death the night before, which he informed his aunt Bowene of at breakfast that morning of the accident, which I must relate you, as it is as true as surprising. He talked with his aunt at breakfast concerning his being admitted as an attorney and going into business, said he believed he had nothing to do with business, for his time he thought was not long in this world. He said that last night he was strangely disturbed in his sleep with dreams and apparitions; that his cousin Charles Pemberton, who died last spring, appeared to him wrapped in a sheet and said to him, 'Kinsey, your hour is come; you must go with me,' and he disappeared. Soon after appeared a person before him in

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the form of an angel (according to the idea he had of an angel) and said to him, 'Kinsey, your hour is come; you must go with me,' and instantly he thought a flash of lightning struck him on the cheek, and instantly he died. This was followed by a severe clap of thunder and lightning that awakened him from his sleep, and all these particulars came fresh to his memory and gave him great uneasiness. (Note: no thunder or lightning that night.) Upon this he endeavored to get to sleep again, and after dosing a short time he was awakened again by the noise of a person walking across the room, giving one heavy groan. He heard or saw no more, but got out of bed, went into the other room, called the Scotch boy to bring in his bed and lay by him the remainder of the night. In the morning at breakfast, Tuesday last, he communicated all the before related to his aunt Bowene and Hannah Kearney. He seemed much dejected upon it; was confident he was near his end; but to divert himself for that day he determined to take his gun and go fowling with young J. Desborow, young Ox-

JOHN KINSEY.

ley and two or three more. They walked to Coulter's ferry and crossed Schuylkill and up to the Falls ferry. He told the company several times, as they walked, he wished no accident might befall him before he got home. On their return, crossing the ferry in the boat, the unhappy accident happened to him. Thus you have the particulars of this melancholy affair as fully as I could relate it if with you. And I chose to be particular in it, because I have met with no story in history so well attested as this concerning the premonitions from Heaven of our dissolution. The flash that struck his cheek when asleep clearly answered by the flash of the gun, and the shot thereof first striking. His aunts labored to persuade him not to go a-gunning that day, and he agreed; but afterward meeting his company, they prevailed with him as they had all agreed to go the night before." (Pa. Magazine, Vol. XIII., pp. 381-2.)

DEATH OF JOHN KINSEY.

This experience was a terrible blow to the father. In a little over a year John Kinsey

JOHN KINSEY.

was stricken with apoplexy while attending a meeting at Burlington, New Jersey. He was then only fifty-seven years old, and in the full vigor of his powers.

His sudden death removed from the Meeting a valued elder, from the Supreme Court its chief magistrate, from the Assembly its speaker and leader, from the province of Pennsylvania a modest, quiet man, whose firmness and decision was only equaled by the clear vision of his intellect. After his death the influence of the Society of Friends in public affairs rapidly declined.

John Kinsey led the Assembly when the Friends constituted from twenty-five to thirty in a house composing thirty-six members. After John Kinsey's death the Friends in the Assembly were sadly in need of a leader. The strongest mind there was Benjamin Franklin, and his influence divided the Friends. Some favored defensive warfare and others opposed all war.

The Assembly could no longer work as a unit. The leader was gone. The strong hand, which in a measure, probably more

JOHN KINSEY.

than any other, showed that Quaker principles could be applied successfully to affairs of state, was no longer at the helm.

In less than seven years after John Kinsey's death the Friends had disappeared so rapidly from the Assembly that they comprised scarcely one-third of that body. The loss of John Kinsey was the death-knell to the influence of Friends as a religious society upon the Assembly.

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